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August 7, 2018

The Honorable A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: Sky Medical Supply, Inc. v. SCS Support Claims Services, Inc., et al., Docket Number 12-CV-6383; Request for Extension

Dear Judge Tomlinson:

We write on behalf of Plaintiff Sky Medical Supply, Inc. ("Sky") with respect to the current deadline for production expert witness reports, which is set at August 31st, 2018.

I have contacted Defendants' respective counsel by email and informed them that, due to a variety of reasons, Sky would be seeking an extension of the deadline for exchange of expert reports. I informed the parties that I am out of the country for portions of the month of August 2018 (and will be in early September as well), and that for the remainder of August, I and the other attorneys for Sky have a very heavy calendar for trials, court conferences, depositions and similar occurrences. Moreover, one of our medical experts is out of state for the entire week of August 6th, 2018, and again from August 24th through 27th. Additionally, with respect to the financial expert report, the issue concerning three subpoenas for bank records, including for defendant Nationwide Management Inc. of NY, is currently before a Special Master remains unresolved, is highly unlikely to be resolved and allow for both production and review of the pertinent records by August 31st. Specifically, the special master conference will only occur later this month and once the issues regarding the subpoenas are resolved, it will likely take several months for the banks to comply and for our expert to review and incorporate the bank records. The same holds true for Nationwide's tax returns, which have not yet been produced by the IRS pursuant to the amended authorizations.

In light of the above, Sky respectfully requests a 120 day extension of the deadline to exchange all expert reports, or alternatively a 30 day extension for the non-financial expert reports and a 120 day extension for the financial expert report. Consent to these terms was requested from Defendants, but no response was received by Sky.

This extension, should it be granted, would affect the following already-scheduled dates in this matter, unless otherwise noted:

- The deadline for Defendants to file a *Daubert* motion is currently set for September 17, 2018.

- The deadline for submission of any letter requests for a pre-motion conference to Judge Bianco for purposes of making a summary judgment motion is also currently set for September 17, 2018.

Should any extension be granted, Sky respectfully requests that the above deadlines be likewise extended respectively.

Thank you for your consideration of this application.

Respectfully,

/s/

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